

**AMENDMENT TO AGREEMENT TO
CONSTRUCT SUBDIVISION IMPROVEMENTS**

City Project # 738487

City Engineer's Signature Date: 10-6-17

WHEREAS, the City and the Subdivider entered into an Agreement to Construct Public and/or Private Subdivision Improvements ("Original Agreement") on July 3, 2017, which was recorded on July 05, 2017, as Document No. 2017065221 in the records of the Bernalillo County Clerk, State of New Mexico, wherein the Subdivider agreed to satisfactorily construct certain infrastructure improvements.

WHEREAS, the Subdivider has requested to financially guarantee the construction of the public and/or private infrastructure; and

WHEREAS, the Subdivider is able to provide the required financial guaranty.

THEREFORE, the Subdivider and the City agree to amend the Original Agreement as follows:

1. Amending Section 6. Financial Guaranty, second paragraph, to read as follows:

To meet the Subdivision Ordinance requirements, the subdivider has acquired or is able to acquire the following "Financial Guaranty":

Type of Financial Guaranty: Subdivision Bond No. 800029444

Amount: \$1,667,349.08

Name of Financial Institution or Surety providing Guaranty: _____

Date City first able to call Guaranty (Construction Completion Deadline):

September 1, 2019

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: _____

Additional information: _____

2. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Amendment, and the terms and conditions of the Original Agreement, in which case the terms and conditions of the Amendment to the Original Agreement will control.

Doc# 2017096373

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AGRE R:\$25.00 Linda Stover, Bernalillo County



SUBDIVIDER: RCS-Trails Tract 1, LLC

CITY OF ALBUQUERQUE: AA
CT

By [signature]: [Signature]
Name [print]: Sharon K Eshima
Title: manager
Dated: 9-1-17

By: [Signature]
Shahab Biazar, P.E., City Engineer
Dated: 10-6-17

SUBDIVIDER'S NOTARY

STATE OF Colorado NEW MEXICO)
COUNTY OF Boulder BERNALILLO)ss)

This instrument was acknowledged before me on 1 day of September, 2017,
by [name of person] Sharon K Eshima, [title or capacity, for
instance, "President" or "Owner"] Manager of ("Subdivider")
RCS-Trails Tract 1, LLC.



[Signature]
Notary Public

My Commission Expires: 5/22/18

CITY'S NOTARY

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)ss)

This instrument was acknowledged before me on 6th day of October, 2017,
by Curt Scherme for Shahab Biazar, P.E., Acting City Engineer of the City of Albuquerque, a municipal
corporation, on behalf of said corporation.



[Signature]
Notary Public

My Commission Expires: March 15, 2021